

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Dontez Cunningham

Case: 2:25-mj-30211

Assigned To : Unassigned

Case No.

Assign. Date : 4/6/2025

Description: CMP USA V.
CUNNINGHAM (DJ)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 4, 2025 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: April 6, 2024

City and state: Detroit, MI



Complainant's signature

Eric Miller, Special Agent, ATF

Printed name and title



Judge's signature

Hon. Kimberly Altman, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

I, Special Agent Eric Miller, being duly sworn, do hereby state the following:

I. INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I began with the ATF in June of 2018. I have a Bachelor of Arts in Criminal Justice and a Bachelor of Arts in Psychology from Michigan State University. I am a graduate of the Criminal Investigator Training Program and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. I received extensive training on firearms identification and common scenarios involving firearms and narcotics trafficking. I was previously employed with the Department of Homeland Security as a federal law enforcement officer and investigator since March 2004.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, review of reports by

myself and/or other law enforcement agents, review of body worn camera videos and or images, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. ATF is currently conducting a criminal investigation concerning Dontez Dwight CUNNINGHAM (B/M; DOB: XX/XX/1999) for violations of Title 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm).

II. PROBABLE CAUSE

4. I reviewed a computerized criminal history, Michigan Third Circuit Court records, and Michigan Department of Corrections records for CUNNINGHAM, which revealed the following felony arrests and convictions

- a. On or about August 7, 2018, CUNNINGHAM was arrested by Michigan State Police (MSP) for a felony weapons offense, possession of marijuana, and a misdemeanor traffic offense. On or about May 8, 2020, CUNNINGHAM pled guilty in the 3rd Circuit Court, Wayne County Michigan, to felony carrying a concealed weapon and misdemeanor possession of marijuana or synthetic equivalents. CUNNINGHAM was originally sentenced to a term of probation under HYTA. However, on

January 27, 2023, CUNNINGHAM's HYTA status was revoked.

- b. On or about October 1, 2020, law enforcement executed a search warrant at CUNNINGHAM's residence and recovered two loaded firearms. CUNNINGHAM was charged in a federal indictment. On or about May 4, 2022, CUNNINGHAM pleaded guilty to count one of a federal indictment charging him with violating Title 18 U.S.C. Section 922(n), illegal receipt of a firearm by a person under indictment. CUNNINGHAM was sentenced to 24 months incarceration, followed by 36 months supervised release.

5. Based on my training and experience, defendants are warned of the maximum penalty when they enter a plea of guilty to a felony. Additionally, defendants are advised that they are pleading guilty to a felony. Based on CUNNINGHAM having more than one felony conviction, the time he has spent incarcerated or under supervision as a result of those convictions, and the fact that CUNNINGHAM is still on supervised release for a federal felony conviction, there is probable cause to believe that CUNNINGHAM is aware of his status as a convicted felon.

6. On April 4, 2025, at approximately 11:16p.m., Detroit Police Gang

Intelligence Officers patrolling the area near Schoolcraft Avenue and Lesure Street in Detroit Michigan observed a grey 2009 Mercedes Benz CL traveling westbound on Schoolcraft Avenue from Lesure Street. Officers watched the Mercedes quickly drive into the parking lot of 14314 Schoolcraft Avenue and park. Officers observed the Mercedes to have an obscured license plate and dark tinted windows. As the officers pulled into the parking lot, they watched CUNNINGHAM get out of the driver's seat and another individual, M.C., exit the front passenger's seat.

7. The three Gang Intelligence officers also stopped their car and got out. The officers inquired about the vehicle's plate and asked CUNNINGHAM if he had a prescription for the window tint. One of the officers walked up to the driver's window of the Mercedes, shone his flashlight into the car, and immediately saw what he recognized to be a handgun on the floorboard of the vehicle. The officer notified his partners, and both CUNNINGHAM and M.C. were handcuffed. Neither CUNNINGHAM, or M.C., reported having a license to carry the firearm.

8. Officers recovered a black Glock, Model 19M, 9mm pistol, serial number ADEE536 affixed with a weapon-mounted light attachment and an internally affixed machine-gun conversion device (MCD), commonly referred to as an "invisi-switch," from the floorboard of the front driver's seat where CUNNINGHAM had been seated. Officers queried CUNNINGHAM and learned that he did not hold a concealed pistol license. CUNNINGHAM was placed under

arrest and transported to the Detroit Detention Center.

9. On April 5, 2025, I conducted law enforcement database queries associated with CUNNINGHAM and his arrest. I identified the Glock firearm recovered from the Mercedes as the same firearm reported stolen from a federal Postal Inspector's home in September of 2024.

10. On April 5, 2025, ATF Special Agent Christopher Smilo and I went to the Detroit Detention Center to interview CUNNINGHAM. We advised CUNNINGHAM of his *Miranda* rights, which he waived to speak with agents. CUNNINGHAM admitted the Glock firearm recovered by DPD officers was his. CUNNINGHAM stated he and a friend purchased it together sometime in October or November of 2024 from someone in the neighborhood for \$200. CUNNINGHAM claimed it has been in his sole possession since February of 2025.

11. On April 6, 2025, I contacted ATF Interstate Nexus Expert, Special Agent Kara Klupacs and provided a verbal description of the black in color Glock, Model 19, 9mm pistol recovered by Detroit Police officers on April 4, 2025. SA Kara Klupacs advised the firearm was manufactured outside of the state of Michigan, and therefore has traveled in and affected interstate commerce.

III. CONCLUSION

12. Based upon the aforementioned facts stated herein, there is probable cause to believe Dontez CUNNINGHAM (B/M; DOB: XX/XX/1999), a convicted

felon aware of his felony convictions, did knowingly and intentionally possess a black in color Glock Model 19, 9mm, pistol, said firearm having affected interstate commerce, in violation of 18 U.S.C. 922(g)(1) (Felon in Possession of a Firearm). Said violation occurring on or about April 4, 2025, in the city of Detroit, in the County of Wayne, in the Eastern Judicial District of Michigan.

Respectfully submitted,



Eric Miller
Special Agent, ATF

Sworn to and subscribed to me in my presence,
this day of April 6, 2025



Kimberly Altman
UNITED STATES MAGISTRATE JUDGE